



**U.S. Department of Justice**

**Office of Legislative Affairs**

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*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**April 19, 2005**

The Honorable John Conyers, Jr.  
Ranking Minority Member  
Committee on the Judiciary  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Conyers :

This responds to your August 24, 2004, inquiry as to the circumstances surrounding the request by the Department of Justice that the Government Printing Office (GPO) remove from federal depository libraries asset forfeiture training materials that had been originally prepared for internal Department use. We appreciate the opportunity to provide you with the background of this situation and to clarify the record on this issue.

The Asset Forfeiture and Money Laundering Section (AFMLS) of the Department's Criminal Division produces many publications that are used by federal prosecutors around the country in asset forfeiture and money laundering cases. These publications assist federal prosecutors in investigating and prosecuting cases involving terrorist financing, drug trafficking, fraud and money laundering. Some of these publications, such as those that set forth Department policy, are freely available to the public. Others, such as those that contain notes on recent case developments, lecture outlines prepared by speakers at training conferences, and advice on effective use of the statutes and legal strategies that can be employed, contain attorney work product and are thus circulated only within the law enforcement community.

Earlier this year, AFMLS discovered that some of its publications containing attorney work product were being erroneously distributed to the public, including to public libraries, through the GPO. When they became aware of the error, the support staff personnel who are responsible for printing and mailing publications contacted the GPO in order to correct the situation. Mistakenly believing that all of the publications contained attorney work product as well as sensitive information regarding legal strategy, those individuals asked GPO to withdraw all of these publications from circulation, making no exception for the publications that contained nothing more than compilations of publicly available

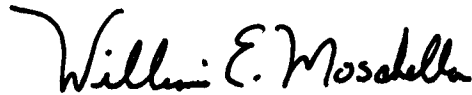
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statutes and rules. The GPO complied with that request, although the GPO decided that it was more efficient for the libraries simply to destroy the publications rather than send them back.

On July 30, 2004, once the individuals ultimately responsible for the asset forfeiture program understood the impact of such a request and the non-sensitive nature of the materials involved, the request was immediately rescinded. Additionally, greater controls over these types of requests were instituted. As you note in your letter, there is no reason to prevent materials that consist largely of publically available statutes from being distributed to the public. Indeed, materials of that nature are available on line at [http://www.usdoj.gov/04foia/04\\_2.html](http://www.usdoj.gov/04foia/04_2.html). To our knowledge, we have never previously asked to have asset forfeiture materials withdrawn once they are in circulation.

In summary, the individuals involved in the original action made a well-meaning mistake, which was corrected as soon as it was brought to the attention of the more senior officials. We are confident that this will not happen again. We appreciate your interest in this matter. Should you require anything further, please do not hesitate to contact this office.

Sincerely,

  
William E. Moschella  
Assistant Attorney General

cc: The Honorable F. James Sensenbrenner, Jr.  
Chairman  
Committee on the Judiciary